S.B. Criminal Revision Petition NO.706/2006
(Gop Singh Vs. Smt. Tulsi)

Date of order : 23.5.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. B.N. Kalla, for the petitioner.
Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner.

By way of filing the present revision petition, the petitioner has challenged the order dated 10.1.2006 passed by Family Court, Udaipur whereby the Family Court has awarded maintenance allowance of Rs.800/- per month in favour of the non-petitioner.

It is contended by the learned counsel for the petitioner that finding recorded by the Family Court, Udaipur is erroneous. The petitioner is ready to keep his wife with him. It is also contended that the petitioner has also filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. In support of his arguments, he placed reliance on the judgment rendered by this Court in case of Smt. Rupa @ Nani Vs. Kanhaya Lal & Anr., reported in 2006 (8) RDD 4236 (Raj.) and prayed that the order impugned may kindly be set aside.

I have perused the impugned order dated 10.1.2006 passed by Family Court, Udaipur. The Family Court has observed that the petitioner is in service at Bombay and he is also having twenty bighas of land and non-petitioner is maintaining herself while working in Brahma – Vishnu Aashram, Udaipur. Further, there is evidence on record that behaviour of the petitioner is quarrelsome against his wife, therefore, non-petitioner is living separately with reasonable cause.

In these circumstances, I see no reason to interfere with the order impugned dated 10.1.2006, passed by Family Court, Udaipur, granting maintenance allowance of Rs.800/- per month in favour of the non-petitioner. Accordingly, the revision petition is dismissed.

(GOPAL KRISHAN VYAS), J .

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